

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

**RONDA MCGOWAN**, Personal  
Representative for the Estate of Brian  
Babb, **LEE BABB, CONNOR BABB**,  
by and through his Guardian Ad Litem,  
**STEPHANIE WOODCOCK**, and  
**KAYLEE BABB**,

Plaintiffs,

vs.

**WILL STUTESMAN, OFFICER GROSE**,  
**OFFICER PIESKE, SGT. MCALPINE**,  
**CITY OF EUGENE**, a municipal subdivision  
of the State of Oregon, **JANE DOE CALL**  
**TAKER**, and John and Jane Does 1-10,

Defendants.

Case No. 6:17-cv-00424-MC

Exhibit A  
to Defendants' Response  
to Plaintiffs' Objections  
To Lay Witnesses

Tuesday, February 4, 2020 at 12:49:12 Pacific Standard Time

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**Subject:** Dr. Davis  
**Date:** Sunday, August 25, 2019 at 10:57:52 AM Pacific Daylight Time  
**From:** Robert Franz jr.  
**To:** Carlton Odim, Amanda Yarusso, Andrew M. Stroth, Tim Volpert  
**Attachments:** Oregon Medical Examiner Report.pdf

Carlton. I am planning on calling Dr. Davis as a witness in this case. I imagine that you too will be calling him as a witness. As you know, Dr. Davis did the autopsy of Mr. Babb. In talking to Dr. Davis, he told me that he will accept a subpoena from either side in this case to testify, and that he will not be charging an expert witness fee because it was part of his job to do the autopsy and prepare his autopsy report. Based upon that, it would be my position that neither one of us has to do an expert disclosure for Dr. Davis. If you disagree, let me know. Here is a copy of his report that was provided to Ms. Hollaway, which the Plaintiffs then produced to us.

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## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing EXHIBIT A TO RESPONSE TO PLAINTIFFS' OBJECTIONS TO LAY WITNESSES BY DEFENDANTS on Plaintiffs on Tuesday, February 4, 2020, by notice of electronic filing using the CM/ECF System:

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